

ENTERED

August 31, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

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VS.

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CRIMINAL ACTION NO. H-95-304-001

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§

OCTAVIO ALBERTO BETANCUR

§

ORDER

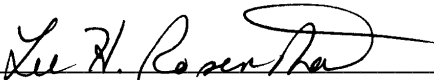
On July 2, 1996, a jury found Octavio Alberto Betancur guilty of the drug-trafficking alleged in Counts 1S, 2S, 4S, and 5S. On October 21, 1996, the court sentenced Betancur to a 360-month prison term on those counts, to run concurrently. Betancur filed no written objections to the description of the offense conduct in the presentence report before the sentencing hearing. The court adopted the PSR at sentencing without no corrections or additions requested or made.

On February 23, 2015, the court reduced Betancur's sentence to 292 months under 18 U.S.C. § 3582(c)(2) and the retroactive two-level reduction to the Drug Quantity Table under Amendment 782 to the Federal Sentencing Guidelines. On November 18, 2015, the court denied the motion to reduce the sentence again, this time based on a compassionate-release request. The court advised that, under 18 U.S.C. § 3582(c)(1)(A), the Director of the Bureau of Prisons has sole authority over compassionate-release requests.

Betancur's current motion to reduce his sentence is under 18 U.S.C. § 3582(c)(1)(A) and Amendment § 1B1.13, which broadens certain eligibility criteria. While § 1B1.13 has been amended, 18 U.S.C. § 3582(c)(1)(A) still gives the Director of the Bureau of Prisons exclusive authority over compassionate-release requests. *See Crowe v. United States*, 430 Fed. Appx. 484,

485 (6th Cir. 2011) (a federal court lacks authority to review a decision by the BOP to not seek a compassionate release for an inmate under § 3582(c)(1)(A)(i)). The motion for a court-ordered sentence reduction is denied.

SIGNED on August 31, 2016, at Houston, Texas.



Lee H. Rosenthal
United States District Judge